

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the definition of “exit day” in the European Union (Withdrawal) Act 2018 (c. 16) (“the 2018 Act”) and come into force immediately after they are made.

On 29th March 2017, the Prime Minister gave notice of the intention of the United Kingdom to withdraw from the European Union in accordance with Article 50 of the Treaty on European Union and the European Union (Notification of Withdrawal) Act 2017 (c. 9). Where a Member State has given such notice, paragraph 3 of that Article provides that the Treaties of the European Union cease to apply to the Member State concerned from the date of entry into force of a withdrawal agreement or, failing that, two years after the notification, unless the European Council, in agreement with the Member State concerned, unanimously decides to extend this period. In consequence, the Treaties were due to cease to apply to the United Kingdom at 11.00 p.m. on 29th March 2019.

An extension to that period was agreed between the United Kingdom and the European Council on 22nd March 2019 (European Council Decision (EU) 2019/476, O.J. No. L 80 I, p. 1). As a result, the Treaties will instead cease to apply to the United Kingdom at 11.00 p.m. on 22nd May 2019 if the House of Commons approves the withdrawal agreement by 11.00 p.m. on 29th March 2019 (“the relevant time”). If the House of Commons does not give such approval by the relevant time, the Treaties will instead cease to apply at the earlier date of 11.00 p.m. on 12th April 2019.

Regulation 2 amends the definition of “exit day” in section 20(1) and (2) of the 2018 Act to ensure the day and time specified in that definition is 11.00 p.m. on 22nd May 2019 or 11.00 p.m. on 12th April 2019 depending on whether the House of Commons approves the withdrawal agreement by the relevant time. This reflects the new day and time that the Treaties will cease to apply to the United Kingdom in light of the extension.